



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Tuesday 21st July, 2015

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the Chair)

PRAYERS

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Clerk, can we proceed?

COMMUNICATION FROM THE CHAIR

PENDING BUSINESS FROM THE FIRST PART OF THE SESSION

Hon. Deputy Speaker: Hon. Members and the Hon. House, I have a Communication to make. Allow me to welcome you back from the short recess. It is my sincere hope that you had a wonderful and fruitful break.

Hon. Members, as we continue with second part of the Third Session, I wish to remind you of the business before us. We will be considering pending business from the first part of the Session; this includes Motions, Bills and Petitions. Furthermore, there are pending Committee reports to be considered by the Assembly. I therefore urge the Committee with pending reports to move with speed to expedite in conclusion of the same. Hon. Members, you are therefore encouraged to continue with the diligence you have exhibited in exciting your mandate for the benefit of the Nairobi residents. Thank you and welcome back.

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PAPERS

BUDGET POLICY FOR THE FISCAL YEAR 2015/2016

Hon. Deputy Speaker: Hon. Members, under Order No. 5, the following papers shall be laid; this is Budget Statement delivered to the Nairobi City County Assembly on 30th June 2015 by the County Executive Committee Member for Finance and Economic Planning, Nairobi City County when highlighting the budget policy for the fiscal year 2015/2016 by the Chairperson of the Select Committee on Budget and Appropriations. Hon. Chairman for Budget and Appropriations Committee? Vice Chair? Hon. Njoroge?

Hon. Member for Woodley/ Kenyatta Golf Course Ward (Mr. Njoroge Kairu): The leadership of the Budget Committee is not around, so we hope before the end of this week we will do the same.

Hon. Deputy Speaker: Come again?

Hon. Njoroge Kairu: I am saying that the leadership of Budget Committee is not in and we are so much committed somewhere else, so we are not prepared with the---

Hon. Deputy Speaker: Do we have any Member who has prior information to this document? Any Member from the Budget Committee? Hon. Njoroge seems to be misleading the House. You cannot tell us just because the Chairman is away in America then he has carried with him all the documents pertaining the Budget Committee. Hon. Adow, please can you proceed to the front?

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker, I request for the document to be read again so that maybe it can come to my memory.

Hon. Deputy Speaker: Hon. Members, this is a crucial document--- Order, Hon. Kambi! Thank you. We will just bypass a bit as we consult at least the office of the Clerk who was given the Paper to be laid before the House today. Clerk, can we proceed? Why are you sleeping? Thank you, can you proceed?

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you, Chairman for bearing with me. I am laying the above Paper on behalf of the Chairperson Budget. Mr. Speaker sir, I beg to lay the following Paper on the table of the Assembly today, Tuesday 21st July, 2015, submitted pursuant to Standing Order No. 213 (2). Budget estimates delivered to the Nairobi City County Assembly on 30th June, 2015 by County Executive Committee Member Finance and Economic Planning, Nairobi City County, when highlighting the budget policy for the fiscal year 2015/2015. Thank you.

Deputy Speaker: Thank you.

STATEMENTS

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Hon. Deputy Speaker: Hon. Members, under Order No. 7 the following Members are going to request for Statements. Hon. Moses Ogeto from the Chairperson of Sectoral Committee on Budget and Appropriations regarding the revenue allocation on approved Bills on construction in Kilimani, Hon. Diana Kapeen from the Chairperson of Sectoral Committee on Culture and Community Services regarding fire outbreak in Nairobi City County especially in South C Ward.

Under Order No. 7, we will be expecting responses which were requested by the following Members, Hon. Leah Mumo from the Chairperson Agriculture and Environment, Hon. Leah Mumo again who also requested a Statement from Environment, so Chair Environment I think at least you put your acts together. Hon. Moses Ogeto, Hon. Diana Kapeen?

STATEMENT REGARDING FIRE OUTBREAKS IN NAIROBI

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker sir. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson Sectoral Committee on Culture and Community Service regarding fire outbreaks in Nairobi and especially in South C Ward.

Hon. Speaker, there has been a series of fire outbreaks in City County.

In the Statement the Chairperson should inquire into the following:

- i. The compensation allocated to beneficiaries of South C beginning the Financial year 2013 up to date
- ii. The list of the beneficiaries compensated and the amount allocated respectively,
- iii. The claimant who submitted the list of beneficiaries and supporting documents to that effect.
- iv. The last voucher that was prepared and why it was supposedly stopped
- v. Measures being taken by the Nairobi County Department to control fires in the County.

Thank you.

Hon. Deputy Speaker: Chairperson of Culture.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Mr. Speaker. I request for two weeks.

Hon. Deputy Speaker: Why two weeks?

Hon. Ronald Milare: I have to consult the Member and we appreciate the magnitude of the request, so, kindly oblige.

Hon. Deputy Speaker: I don't think this necessarily allow you to be given two weeks to just respond to something which should be at least with the Committee.

Hon. Ronald Milare: We appreciate the bureaucracy that we usually get with the Executive, so just kindly bear with us, Mr. Speaker.

Hon. Deputy Speaker: Hon. Diana.

Hon. Diana Kapeen: Mr. Speaker sir, I would accept the two weeks given that a Member of this Hon. House tried to defraud the County Assembly of--- So I expect two weeks.

Hon. Deputy Speaker: Order! Hon. Diana I think you have requested a Statement. Please! Please! Don't preempt the outcome of the---

Hon. Diana Kapeen: Yes, Mr. Speaker sir, I am saying two weeks is okay with me because I need a very comprehensive report.

Hon. Deputy Speaker: Thank you very much. Hon. Chairman, can you bring it down to one week please, next week on Thursday.

Hon. Ronald Milare: We will do our best but---

Hon. Deputy Speaker: Next week on Wednesday, thank you. Hon Gari, what is it?

Hon. Member for Nairobi West (Mr. Maurice Gari): Mr. Speaker, I want to rise under Standing Order No. 80 on Personal Statement. Can you grant me permission?

Hon. Deputy Speaker: Let me first of all revisit the Standing Order No. 80, Hon. Gari, just take your seat. *(Consultation)* Permission granted.

PERSONAL STATEMENT ON MEMBERS' DESIGNATED PARKING

Hon. Maurice Gari: Thank you, Mr. Speaker sir. As from yesterday, it is my concern that we have a designated Parking behind High Court, but when we came yesterday we were told we cannot park there without any notice yet the other sector of the County is ticketing other vehicles on their other part. So, I wonder how and why we were not consulted that the parking will not be available for Members of the County Assembly from yesterday and today?

Again, Mr. Speaker, we are behind the schedule, USA President is coming to this County and we are the fathers and mothers of this County. We are featured nowhere and no one is representing us as the First County Assembly in this City, Mr. Speaker. So, my concern is, are we here as beggars or are we doing something to this City. I wanted us to adjourn and discuss this issue. Thank you, Mr. Speaker.

(Loud Consultations)

Hon. Deputy Speaker: Thank you, Hon. Gari. I am afraid you need to go back to the Standing Order No. 80 which has given you an opportunity. This will not attract any debate at all. Please, we will respond to your Statement as soon as we get the feedback because you are bringing to the attention of the Chair right

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now that the parking slots for Members have been kind of interfered with. This is something we didn't have any knowledge of, at all. Hon. Ogeto.

STATEMENT REGARDING THE REVENUE COLLECTION ON APPROVED BUILDING CONSTRUCTIONS IN KILIMANI WARD

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I want to register my apologies when you called me I was not around. I was attending various things of my constituents.

Mr. Speaker sir, pursuant to Standing Order 41 (2) (c) I wish to request for a Statement from the Chairperson of the Select Committee on Budget and Appropriation regarding the revenue collection on approved building constructions in Kilimani.

Hon. Deputy Speaker: Order, Hon. Ogeto! Do we have the Vice Chairperson for Budget?

Hon. Moses Ogeto: Even a Member can answer that, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kitavi, the Vice Chairperson for Liaison. Member of the Speaker's panel please can you take up the question?

Hon. Moses Ogeto: Mr. Speaker, I have not--- I am still on the Statement.

Hon. Deputy Speaker: It is a request, both the Chairperson and the Vice Chair is not in the House, proceed.

Hon. Moses Ogeto: Hon. Speaker, there are several construction activities being undertaken in Kilimani Ward and the County Government has been collecting revenue for approving these building plans.

In this Statement, the Chairperson should inquire into and report on:

- i. The amount of revenue collected from June, 2014 to June, 2015
- ii. How the revenue collected from the building plans contribute to development in Kilimani Ward

Mr. Speaker, I want to comment and reiterate on--- and the Chairperson will report this--- I am requesting this because you see the National Government has taken a responsibility of ensuring that the roads in my Ward are being constructed. Then same County Government then goes ahead and approves plans for these roads, they have levied for these plans. After a contractor is done with his work, he doesn't repair the road. That's why I am requesting on question 2 that how the revenue collected from the building plans contribute to development in my Ward.

Mr. Speaker sir, you didn't give my colleague an answer about the Obama visit. You are sitting in a very special Chair which can give direction because as per now, I can assure you, we are nowhere in this plan. If just a mere SONU Chairman makes some noise and is being---

Hon. Deputy Speaker: Order, Mr. Ogeto! Thank you, Members of the Budget Committee. Order, Azangu! Are you a Member of the Budget Committee?

Hon. Member for Land Mawe Ward (Mr. Herman Azangu): I am a Member.

Hon. Deputy Speaker: You want to take up the responsibility.

Hon. Herman Azangu: I will take the responsibility for now.

Hon. Deputy Speaker: Please, proceed. I know that is for sure when we don't see Ogada in the House, Azangu, Njoroge and Adow are in the House, please proceed.

Hon. Herman Azangu: I think the leadership of the Budget Committee is not around, so as one of the Members, I can take this opportunity and tell the Member to give us two weeks then we will give the response, thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Azangu. Members of the Budget Committee, you do agree with me at least Hon. Azangu has given an undertaking that we'll receive the response in 2 weeks' time. That is agreed, thank you Hon. Azangu.

Hon. Members, under Order No. 7 as earlier communicated, we expect responses from the Chairperson for Environment and Natural Resources, request placed by Hon. Mumo. Chairpersons for Environment, proceed.

Order! Give Hon. Kagiri time to---

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Thank you Mr. Speaker---

Hon. Deputy Speaker: We know we are expecting the brother in the Country but give him time to--


Hon. Samuel Kagiri: Mr. Speaker, I have a response--- there are two Statements for Hon. Leah Mumo but I am going to read one and the other is going to be read by my colleague.

STATEMENT REGARDING THE PURCHASE OF GARBAGE COLLECTION EQUIPMENT AND GARBAGE TRUCKS BY THE NAIROBI CITY COUNTY

Mr. Speaker, on December 9th. 2014, Leah Mumo, MCA, rose on the floor of the Assembly pursuant to Standing Order 41(2) (c) and requested the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources for a Statement regarding the purchase of garbage collection equipment and garbage trucks by the Nairobi City County. She further asked the Chairperson of the Committee to inquire into and report on:

1. The actual cost of the equipment and trucks that were purchased in the 2013/2014 year budget and their supporting documents i.e. invoices, LPO's, payment details
2. The number of vehicles currently in good condition

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3. The number of trucks that have been delivered and their registration numbers

Hon. Samuel Kagiri: Mr. Speaker sir, the Committee was already considering this matter following a similar Statement requested by Hon. Oscar Lore, MCA, regarding the procurement of garbage collection trucks by the County. However, the Committee proceeded and wrote to the County Secretary with the copy to the County Executive Member responsible for Water, Energy, Forestry, Environment and Natural Resources on 9th January, 2015 requesting to be furnished with the written response on the additional issues raised by the Statement of Hon. Leah Mumo, MCA. The County Secretary responded through a letter Ref. DEO/1/33/071, dated 20th February 2015.

Mr. Speaker, the Committee found the response provided unsatisfactory since it lacked supporting documents with respect to the vehicles procured. As such, the Committee held a meeting with the Chief Officer responsible for Environment and Forestry on 11th March, 2015 to seek further clarifications on the response provided. Unfortunately, the Chief Officer claimed that the supporting documents requested could only be provided by Finance and Economic Planning Sector.

To this end, the Committee held a meeting with the CEC Member responsible for Finance and Economic Planning on 13th April, 2015. The said CEC Member subsequently provided to the Committee the requested supporting documents on 30th April, 2015 through a letter Ref. FIN/3/6 (126).

In this regard, I wish to report to the Assembly as follows;

1. The actual cost of the equipment and trucks that were purchased in the 2013/2014 budget and their supporting documents i.e. invoices, LPOs, payment details;

Mr. Speaker, arising from the documents submitted to the Committee and oral submissions by both the CEC Member, Finance and Economic Planning and the Chief Officer, Environment and Forestry, the Committee was informed that the total allocation for the garbage collection vehicles in the financial year 2013/2014 was Kshs.272 million of which Kshs.252.6 million was spent to procure thirty refuse trucks and one wheel loader.

Mr. Speaker, the CEC responsible for Finance and Economic Planning submitted to the Committee the following documents supporting the procurement of the vehicles;

- i. Memo Ref. DDLA/VAO/416/M/2013 from the Director, Legal Affairs to the Assistant Town Clerk (Fleet Management) informing that the County had officially awarded tender to supply and delivery of side loading refuse trucks to Foton East Africa Ltd at a local cost of Ksh.178.6 million and that the said Assistant Town Clerk should proceed with the process of procuring the trucks (copy attached).
- ii. Memo Ref. DDLA/VAO415/M/2013 from the Director, Legal Affairs to the Assistant Town Clerk (Fleet Management) informing that the County had officially awarded tender to supply and delivery of Tippers trucks to Foton East Africa Ltd at a local cost of Kshs.69 million and that the said Assistant Town Clerk should proceed with the process of procuring the trucks (copy attached).

- iii. Copies of minutes of the Tender Committee for the supply and delivery of medium truck tender No. NCC/ADM/FM/T/35/2013-2014. From the minutes, the bidders were General Motors EA Ltd, M/S CMC Motors, M/S Farm Engineering Industries, M/S Achelis Materials Handling Ltd and M/S Foton East Africa. The specifications of the trucks to be procured are included (copies attached).
- iv. A letter dated 12th November, 2013 from Foton East Africa to the Interim County Secretary accepting the awarded tender for the supply and delivery of trucks and skip loader and a performance bond of Ksh.950, 000 from NIC Bank (copy attached).

1. Number of vehicles currently in good condition

Mr. Speaker, as per the documents submitted to the Committee by the County Secretary, 23 trucks are operational while 7 have broken down. The nature of the breakdown includes mechanical breakdown on the clutch system, diff, and tipping malfunction. Furthermore, of the 23 operating trucks, 4 lack drivers.

The Committee was concerned with the quality of the trucks procured considering that the breakdown occurred within the year of delivery. While responding to this concern, the Chief Officer explained that the breakdown was as a result of the nature of the work they perform noting that the leachate emanating from the waste at Dandora Dumpsite drastically affects durability of the trucks.

2. Number of trucks that have been delivered and their registration numbers

Mr. Speaker sir, the Committee was informed that all the 31 vehicles have been delivered. Details of their registration numbers are hereby attached.

Mr. Speaker, the Chief Officer responsible for Environment and Forestry informed the Committee that the sector prepared the specifications of the vehicles required for waste collection and forwarded the request to the Procurement Department to initiate and manage the procurement process. While defending the awarded tender, both the CEC Member responsible for Finance and Economic Planning and the Chief Officer argued that the trucks delivered met the specifications required.

However, the Committee was skeptical on whether the County received value for money considering that the seven trucks have already broken down without a satisfying reason. In addition, the Committee noted that the price for the trucks doesn't match with the existing market price for similar trucks.

The Committee recommends that, on the matter of value for money, the relevant state agencies including the Assembly's Public Accounts Committee conduct a thorough inquiry into the matter with an aim of ascertaining whether the County received value for money and no impropriety occurred.

Mr. Speaker, I beg to lay this response. Thank you.

Hon. Deputy Speaker: Hon. Mumo.

Hon. Leah Mumo: Thank you, Hon. Speaker. I am so disappointed. One, this is a serious matter and I am not joking around. Two, I am not satisfied. It has queries, e.g. they quoted to have bought 31 trucks and then later said that they have 30 trucks, where is the extra one? I need thorough investigation, even if it means involving the EACC. Our work is oversight and we should not be taken for a ride. I want to know if it was single sourcing, why they over quoted the market price and so in short I am not satisfied.

Hon. Deputy Speaker: Are you proposing that the matter be taken up by PAC Committee?

Hon. Leah Mumo: Back to the Committee and the Anti-Corruption

Hon. Deputy Speaker: What I am asking is that for it to go to the Anti-corruption then it must be generated from this House through the PAC Committee

Hon. Leah Mumo: Yes. That is what I want

Hon. Deputy Speaker: Can you make a request?

Hon. Leah Mumo: Yes I will but I think it has already gone down to the HANSARD and so I think they can take it from there.

Hon. Deputy Speaker: Hon. Mwalimu.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Thank you Speaker for giving me this opportunity at least to say something about what has been investigated by the Committee. Mr. Speaker, this is a Department that believes in corruption, a Department that has a rogue Chief Officer and the Chief Officer of this particular department does not care how he responds to the statements that are forwarded to that office. If it reaches the extend that the report is contradictory then it means that the Chief Officer is not aware--

Hon. Deputy Speaker: Order Hon. Member! I think you are touching somewhere the law does not allow you to because if you become specific you need to have a substantive Motion to discuss such. Hon. Kagiri

Hon. Samuel Kagiri: Mr. Speaker I wanted to respond to Hon. Mumo. I said that we inquired the details from Procurement, Finance and also Environment Department and we would request her to come to the Committee for more deliberations. We have also recommended that the issue go to PAC for more investigations then we can take a further step as required.

Hon. Deputy Speaker: Thank you. Hon. Karen

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir. This report cannot be accepted in this House Mr. Speaker sir. Can you imagine those lorries or is it trucks were bought the other day and I have been asking where they are? We have a lot of garbage, the other day in Eastleigh people were demonstrating. The whole of Nairobi is full of refuse and we are buying these trucks to solve this problem. It is written that four of the trucks have no driver, who is supposed to employ the drivers yet we have so many youths outside there with driving licenses. Does it mean that the County does not know its mandate Mr. Speaker sir?

I heard that some trucks had problems with the diff (differential) and it's because of the dumpsite. I don't understand this mechanical problem. Does a dumpsite cause any problem? *Mheshimiwa* I am wondering Mr. Speaker sir. This is using the County money wrongly Mr. Speaker sir and we will not accept that in this County. Thank you.

Hon. Deputy Speaker: Thank you Hon. Nyang'wara

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker this is a very wonderful report and it needs to be worked on a very serious note. For the first time I fail to understand that this particular Committee failed to investigate and bring answers to this House when they were supposed to even go further and interrogate. Instead what they are doing is to give recommendations that another Committee be given that particular work to do. I fail to understand what is wrong with this particular Committee Mr. Speaker.

Secondly Mr. Speaker, this company by the name Foton, we would like to know who are their directors.

(Applause)

We know it is a Chinese company but the laws of this Country cannot allow foreigners to own the company alone. We want to know how it was registered and who the directors are.

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Hon. Deputy Speaker: Order Hon. Nyang'wara! I know you are a Hon. Member of this House and you know the procedure on how to get such kind of information

Hon. Samuel Nyang'wara: Mr. Speaker the recommendations that have been given here is that there should be a thorough investigation and I am giving the---

Hon. Deputy Speaker: What I am saying is that the request that you are making at this point cannot be valid before the House

Hon. Samuel Nyang'wara: I will tell you Mr. Speaker as to why they are valid. It's not me who wants to know this, it's the people of Nairobi. If I want to know as Nyang'wara I can walk and know the directors but it is important that---

Hon. Deputy Speaker: Hon. Nyang'wara you need to put a request in writing.

Hon. Samuel Nyang'wara: Thank you Mr. Speaker I am well advised and guided. Mr. Speaker I want to bring to your attention as to why I am pressing very much that a thorough investigation be carried with immediate effect. The figures we are talking about of these trucks were raised four times and some people made three times millions of shillings as far as these trucks are concerned. Somebody seated somewhere in these County offices went away with more than 200,000,000,000 Kenya shillings in his pocket Mr. Speaker sir.

Lastly Mr. Speaker---

Hon. Member for Dandora Area II Ward (Mr. Thuo Wakarindi): Point of Information Mr. Speaker

Hon. Deputy Speaker: Declined

Hon. Samuel Nyangwara: Lastly, Mr. Speaker. I want to request the PAC Committee to do investigations in an open manner and to allow the Members of the 4th estate to be attending those meetings. There is a lot more than the eye can catch in this procurement tender. Thank you.

Hon. Deputy Speaker: Thank you. The debate on that has been suspended. The Standing Order requires that we only give 2 to 3 Members.

(A Member rises on a Point of Information)

No Point of Information. I don't think the Member wants to be informed. There will come a time when you will find all the---. Hon. Mumo, before we move to the next step, I would wish to tell you to appear before the Committee on Agriculture so that you share with them the details on their findings. Then they have to report again to the Assembly next week on Tuesday at 2:30 P.M. before we commit it to another Committee. That has been so directed. Thank you. Hon. Zulfa.

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker sir. I rise to respond on a statement also requested by Hon. Leah Mumo but before I do that, Mr. Speaker, kindly allow me to remark on Hon. Nyang'wara's observations.

Hon. Deputy Speaker: Declined. Please proceed.

Hon. Zulfa Hakim: Thank you very much Mr. Speaker.

Response to a statement requested by Hon. Leah Mumo from the Chairperson of Sectoral Committee on Agriculture, Environment and Natural Resources.

Hon. Speaker sir, on 24th March, 2015, Hon. Leah Mumo, MCA, rose on the floor of this Assembly pursuant to Standing Order no. 41 (2) (C) and requested the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources for a statement regarding payment of garbage collectors. She further asked the Chairperson to enquire into and report on;

- i) Details of the companies including the names of all companies that have been paid for garbage collection for the last six months.
- ii) The payments, including all the payment vouchers.

Mr. Speaker sir, the Committee had on its own initiative already began inquiring into the matter in a similar version as requested by Hon. Leah Mumo following allegations of loss of funds meant for waste collection. As such, the Committee had previously written to the County Secretary with a copy of the County Executive Committee Member responsible for Water, Energy, Forestry, Environment and Natural Resources on 26th January, 2015, requesting to be furnished with a report on waste collection and payment of contracted garbage collectors within the County.

The County Secretary had responded through a letter Ref: DOD/1/13/036 Dated 29th January, 2015 although the Committee had found the report unsatisfactory.

Mr. Speaker sir, the Committee resolved to invite the Chief Officer responsible for environment and forestry to a meeting of the Committee held on 11th March 2015, to clarify on the report. Following the meeting, the Committee was not convinced by the information provided since the Chief Officer was unable to present supporting documents pertaining payment made to contracted garbage collectors. The County Secretary provided the Committee with further details through a letter Ref: DOD/1/13/106 dated 25th March, 2015 but without the supporting documents.

The Committee further held a meeting with the CEC Member responsible for Finance and Economic Planning on 13th April 2015 seeking further clarification on the issues raised. Subsequently, the acting Chief Officer, Finance and Economic Planning submitted to the Committee payment vouchers for the payment made to the contracted companies during the requested period through a letter Ref: FIN/3/6/138 dated May 12th, 2015.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows. That;

a) Details of the companies including the names of the companies that have been paid for garbage collection for the last six months.

Mr. Speaker sir, documents submitted to the Committee by the County Secretary show that the County spent 73.7099 million. I repeat, 73,741,099.70 shillings for waste collection services for the period March-November 2014. The payments were processed in November and December 2014. The following table shows the names of the companies and the amounts paid for the services provided. Mr. Speaker, there is a table on the 3rd and 4th page of the report. I trust that the Member has a copy and can go through. With your permission, I wish to proceed to the conclusion of the report without going through the table, Mr. Speaker.

Hon. Deputy Speaker: It is granted.

Hon. Zulfa Hakim: Okay. The second part.

b) Evidence of the payments including all the payment vouchers.

Mr. Speaker sir, the acting Chief Officer, Finance and Economic Planning submitted to the Committee payment vouchers for all payments made to the aforementioned companies. Mr. Speaker sir, the Committee found that the County was spending a lot of money on solid waste collection yet the County is still in a deplorable environmental state. The Committee shall be proposing radical measures that will include a paradigm shift in the manner waste collection management is done by the County. While waste collection remains the burden of the County government, this burden should be shared with the waste generators in a well-structured manner. The Committee is also calling upon state agencies involved in investigations into payments made to Peposi Freighters to promptly conclude the investigations so that those found liable for any misappropriation of funds are held accountable.

Mr. Speaker sir, I beg to lay this response.

Hon. Deputy Speaker: Thank you. Hon. Mumo.

Hon. Leah Mumo: Thank you, Hon. Speaker. One, I am not satisfied and two, I do not have a copy.

Hon. Deputy Speaker: You were not provided with a copy?

Hon. Leah Mumo: I was given the other one and not this one, I only have one. And also---

Hon. Deputy Speaker: Please, you have indicated that you do not have a copy.

Hon. Leah Mumo: Kindly.

Hon. Deputy Speaker: Proceed.

Hon. Leah Mumo: I just want to take you back to the other report that you had given a ruling on. I feel that I do not want to go back to the Committee because I do not want to be compromised. Two, the reason I came to this House to ask for the Statement is because I wanted transparency, so I do not think I need to go back to the Committee. I was requesting if it could go back to the PAC Committee.

Hon. Deputy Speaker: Granted.

Hon. Zulfa Mohammed: Thank you, Hon. Speaker. I would like to request the Member, Hon. Leah Mumo. I think she has purported that this Committee is compromised, I do not know what she means by saying that she does not want to be compromised; nobody is compromised. Hon. Speaker, you have seen the response we have given, we have indicated clearly that we are also not satisfied by the documents we get from that Executive in that particular department. So, I would request you to ask the Hon. Member to apologize because she is purporting that the Members of that Committee are compromised. It is also my wish that the report goes to the PAC Committee.

Hon. Deputy Speaker: Hon. Zulfa, that was not captured in your recommendations so you cannot come before the House and then make a recommendation which has not been verified by the membership of the Committee.

Hon. Zulfa Mohammed: Mr. Speaker, what I mean is that the Member clearly said that she does not want to be compromised.

Hon. Deputy Speaker: Again, Hon. Zulfa, it is irresponsible for you to come with the report and say you as a Committee are not satisfied with the report.

Hon. Zulfa Mohammed: Mr. Speaker, the report I tabled has indicated that at some point the Committee was not satisfied with a response from the Executive.

Hon. Deputy Speaker: So, what next from the Committee? We expect you to give us at least a concrete report.

Hon. Zulfa Mohammed: The report is concrete, Mr. Speaker. My point was that Leah was trying to indicate that she did not want to be compromised. What did she mean by that, Mr. Speaker? This Committee is working tirelessly for the Executive who are not even responding well with us.

Hon. Deputy Speaker: Thank you. Do you allow a Member to inform you, Hon. Zulfa?

Hon. Samuel Nyangwara: *(Inaudible)*

Hon. Deputy Speaker: Declined. The Hon. Member has declined--- You wanted to inform the Member. Order, Hon. Nyangwara! Please, can you sit down!

(Loud consultations)

Hon. Deputy Speaker: You want to inform who?

Hon. Samuel Nyangwara: *(Inaudible)*

Hon. Deputy Speaker: About what?

Hon. Samuel Nyangwara: *(Inaudible)*

Hon. Deputy Speaker: Who has said so?

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): We are being informed that the Committee resolved that the information should be taken to PAC Committee which is not a query that has been raised by the Auditor. That should go back to the same Committee; a query from the Auditor is the one that is going to the PAC Committee.

Hon. Samuel Kagiri: *(Inaudible)*

Hon. Deputy Speaker: Not granted, no, Hon. Kagiri. Hon. Members, on the response, the Committee on Agriculture, the last paragraph, *"The committee is also calling upon the State agencies involved to investigate payment made to Peposi Freighters to promptly conclude the investigation"*. That alone indicates that there is an ongoing investigation and all they are requesting is the investigating officers to fast track the process so that we can at least have a conclusive report before the House. Therefore, there is no request which can be forwarded to another Committee called PAC as at now. Thank you. Hon. Mwalimu.

Hon. Ngaruiya Chege: Mr. Speaker, thank you. I rise on Standing Order 49(b) that we move the Motion of Adjournment of the Assembly without notice. Mr. Speaker, as you are aware, Hon. Gari stood in this Assembly and talked about the coming of the President of the United States. As we are speaking, even to get entrance to the parking lot is an issue. So, Mr. Speaker, I would kindly request these Members to allow we adjourn until next week, Tuesday, 2.30 p.m. because as we are speaking, you cannot even step in the City---

Hon. Deputy Speaker: You are in the city, Hon. Member.

Hon. Member: Not today but in the days to come. Today is Tuesday but on Wednesday even accessing the parking lot will be a problem. Mr. Speaker, I would ask that kindly if the members allow that we adjourn until Tuesday, 2.30 p.m. for the benefit of the many problems we might encounter, even the network. Thank you.

Hon. Maxwell Ochar: *(Inaudible)*

Hon. Deputy Speaker: You rise to do what? That is not possible. Order, Mr. Ochar! You cannot oppose something which is not before the House because it has not been given clean bill of health.

Hon. Members, I wish to raise Standing Order No. 44 on the Notices of Motions and allow me to read.

1. *Except and otherwise provided for by the Standing Orders, Notices shall be given by a Member of any Motion which the Member or Committee proposes to move.*
2. *Before giving Notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.*

Hon. Member---is he in?

Hon. Members: Who?

Hon. Deputy Speaker: The Hon. Member who has just moved the Motion on the same Standing Order which he purports to move a notice of Motion. That is only a reserve where you can move a notice of Motion without passing through the House Business Committee. However, any notice of Motion must be signed and approved, so, it has been struck out.

Hon. Members, the following request for statements are due for response:

1. Statement requested by Housing regarding grabbing of public land meant to house critically needed fire stations across the County.
2. Statement requested by Hon. Nelson Masiga from the Chairperson of Sectoral Committee on Planning and Housing regarding Eastleigh market, public, private partnership agreement.
3. Statement requested by Hon. Alexander Mulatya from the Chairperson of Sectoral Committee on Planning and Housing regarding the sub-division of plot number 12666 in Imara Daima Ward.
4. Statement requested by Hon. Samuel Kagiri from the Chairperson of the Select Committee on Budget and Appropriation regarding the revenue collection in the County.
5. Statement requested by Hon. Hon. Maurice Gari from the Chairperson of Sectoral Committee on Planning and Housing regarding the construction of the additional housing units and proposed site for basketball pitch and Social Hall in Madaraka Estate, Nairobi West.
6. Statement requested by Hon. Maurice Gari from the Chairperson of Sectoral Committee on Planning and Housing regarding the construction of first homes on Godi Road, Nairobi West Ward on plot LR NO. 37/262/18.

Chairperson for Planning, this request and responses were due today.

Hon. Member for Imara Daima Ward, (Mr. Jairus Atenya): Thank you, Mr. Speaker Sir, all my responses will be ready by next week.

Hon. Deputy Speaker: Next week?

Hon. Jairus Atenya: Next week on Thursday, yes.

Hon. Deputy Speaker: Thank you Hon. Atenya. Please kindly avail the responses next week on Wednesday, please. Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Mr. Speaker, the Chair himself before we went for recess was the one who requested to bring that particular report, in fact it is not the first time that it is due, it is the third time. We want to know what is derailing this report making it not to come before this floor. We cannot be saying next week on Thursday, and then next week he will be on the floor of this House saying the other next week on Thursday. That is not the way we should go Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. The Chair for Planning it has been brought to the attention of the Chair that these responses were due for the third occasion now, so what is hindering you.

Hon. Jairus Atenya: Thank you Mr. Speaker Sir. This is a matter concerning land, there is no way I can be promising two weeks every time without consulting my CEC.

Hon. Deputy Speaker: Order. You did take an undertaking to respond in good time, it is now for the third time you are putting a request, what is happening?

Hon. Jairus Atenya: I am consulting my CEC that is why I have said next week on Thursday without failure and with a concrete report.

Hon. Deputy Speaker: Ok let it be for the last time Hon. Chairperson. Granted. Order Hon. Atenya.

Hon. Karen Wanjiku: Thank you Mr. Speaker, this is not a laughing matter, we need quorum in this House and I am quoting Standing Order No. 32, we cannot proceed without a quorum. Members should be serious, we should be seated here, and we should be at least a third of the Members.

Hon. Deputy Speaker: Clerk can you confirm if we have the quorum in the House? Hon. Members, the House lacks quorum by half. We need 23 more Members in the House. So this is an indicator that Members one, you are not out of the hangover from the recess, two, what Hon. *Mwalimu* had requested is at least wanting on the adjournment of the House to next week on Tuesday. Please Searjent- At- Arms can you ring bell for the next 8 minutes.

(Quorum bell rings)

Clerk can you confirm the quorum?

Hon. Members it has been brought to the attention of the Chair that there is lack of quorum. The business of the House stands adjourned to tomorrow 2.30 pm thank you.

Hon. Members we will be having meeting of the House Business Committee at the foyer at the rise of the Assembly. Thank you.

(House rose at 4.08 pm)